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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,420	07/06/2001	Paul Raymond Matteau	027906-0221	7143

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
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EXAMINER

DAVIS, CASANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,420

Applicant(s)

MATTEAU ET AL.

Examiner

Cassandra Davis

Art Unit

3611

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-45 and 54-62 is/are allowed.
- 6) ☒ Claim(s) 33-39, 46-50 and 63-67 is/are rejected.
- 7) ☒ Claim(s) 51-53, 67 and 68 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 33-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, line 11, it is unclear if the phrase "the top" refers to the top of the center sheet as recited on line 5 or the top of the T recited on line 10.

In claim 33, line 15, the phrase "the bottom edge" lacks antecedent basis.

In claim 35, line 2, the phrase "the linearly arranged film-to-film seals".

In claim 36, it is unclear if the "T-shaped opening" is the same as the T-shaped opening recited in claim 33.

In claim 36-37, it is unclear if the cut-out openings are the same as the cut-out opening recited in claim 33.

In claim 39, the phrase "the spaced apart bottom edge supporting film-to-film seals" lacks antecedent basis.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 46-50 and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, U. S. Patent 6,511,245 (priority back to January 20, 1999) in view of Ruebens, U. S. Patent 4,965,948.
4. Tan teaches a photograph album page comprising a rectangular center sheet having a top 18, bottom 20, front 26, back 28, first 24 and second 22 side. The center sheet can be made of paper.
5. Transparent bag having a front and back surface covering the front 56 and back 58 of the center sheet and immediately adjacent to the top 18, bottom 20, and the first side 24 of the center sheet.
6. A memo area located between the first and second sides of the center sheet.
(See column 7, lines 44-47)
7. A plurality of pairs of spaced apart, film to film seals 70 joining the film through cut out openings 30, 32, 34, 36 in the center sheet at locations selected for supporting planar objects between the bag on the front of the center sheet and center sheet, and between the bag on the back of the center sheet and the center sheet.
8. Tan does not teach the center sheet having a portion beneath the bag with the visual appearance which is different from visual appearance of the memo area.
9. Ruebens teaches album page comprising a display page 20 and transparent film 22 covering the front and rear surface of the display page. Ruebens teaches writing surface 34 is provided on the uncovered portion of the display page 20 adjacent the album leaf edge for recordation of information. The writing surface 34 may have imprinted thereon various indicia 35 and 36 to facilitate the recordation of information.

10. The surface area 37 of the display page 20 covered by the transparent covers 22 also has imprinted thereon contrasting indicia 38 for aesthetic purpose. (See column 4, lines 49-60).

11. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the album page taught by Tan with the memo area having a contrasting indicia from the remaining portion of the page as taught by Ruebens the enhance the aesthetic appearance of the page and to provide a means to distinguish the memo area from the remaining portion of the page.

12. With respect to claim 47, 48, and 64, since the applicant does not disclose that the color of the memo area and/or the color of the portion beneath the transparent film cover or bag solves any stated problem or is for any particular purpose, it appears that constructing the surface area of the display page covered by the transparent covers with imprinting contrasting with the indicia in the memo area for aesthetic purposes as taught by Ruebens would perform equally well.

Allowable Subject Matter

13. Claims 40-45 and 54-62 are allowed.

14. Claims 51-53, 67, and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 33-39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cassandra Davis
Primary Examiner
Art Unit 3611

CD
March 1, 2004